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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM R. BRANCH,
Plaintiff

v.

MR. RUSSIAN, et. al.,
Defendants

:
: **CIVIL NO. 1:CV-00-1728**
:

: **(Judge Rambo)**
:

FILED
HARRISBURG, PA

APR 12 2002

MARY E. D'ANDREA, CLERK
PER *9/5* **DEPUTY CLERK**

ORDER

Plaintiff, William Branch, an inmate confined at the State Correctional Institution, Waymart, Pennsylvania, filed this civil rights action pursuant to 42 U.S.C. § 1983. On April 8, 2002, Plaintiff filed a motion for discovery (Doc. 81). Said document will be construed as a motion to compel discovery.

Plaintiff's motion will be dismissed as premature for failing to comply with Fed. R. Civ. P. 37(a)(2) which states, in relevant part, that:

[I]f a party, in response to a request for inspection submitted under Rule 34, . . . fails to permit inspection as requested, the discovering party may move for an order . . . compelling inspection in accordance with the request. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make the discovery in an effort to secure the information or material without court action.


Plaintiff's *pro se* status does not relieve him of this duty. *See, e.g., Clymer v.*

Attorney General's Office, No. 98-6111, 1999 WL 269930 (E.D. Pa. Apr. 21, 1999);

Smith v. Campagna, No. 94C7628, 1996 WL 364770 (N.D. Ill. June 26, 1996).

Plaintiff states "I have tried to informally request needed information I have certified the mailing of this request to the courts and the conspirator's changed the zipe [sic] code on the letter to the D.O.C." (*Id.*) One failed attempt to request discovery from Defendants does not constitute a good faith effort especially in light of the fact that there is no evidence that Defendants have ever received a discovery request pursuant to the Federal Rules of Civil Procedure from Plaintiff.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's motion for discovery (Doc. 81) is **DISMISSED** as premature.


SYLVIA H. RAMBO
United States District Judge

Dated: April 12, 2002.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

April 12, 2002

Re: 1:00-cv-01728 Branch v. D.O.C. John Does

True and correct copies of the attached were mailed by the clerk
to the following:

William R. Branch
SCI-WAYMART
CF-3756
P.O. Box 256
Route 6
Waymart, PA 18472-0256

Gwendolyn T. Mosley, Esq.
Office of Attorney General
15th Floor
Strawberry Square
Harrisburg, PA 17120

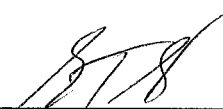
cc:		
Judge	<input checked="" type="checkbox"/>	() Pro Se Law Clerk
Magistrate Judge	<input type="checkbox"/>	() INS
U.S. Marshal	<input type="checkbox"/>	() Jury Clerk
Probation	<input type="checkbox"/>	
U.S. Attorney	<input type="checkbox"/>	
Atty. for Deft.	<input type="checkbox"/>	
Defendant	<input type="checkbox"/>	
Warden	<input type="checkbox"/>	
Bureau of Prisons	<input type="checkbox"/>	
Ct Reporter	<input type="checkbox"/>	
Ctroom Deputy	<input type="checkbox"/>	
Orig-Security	<input type="checkbox"/>	
Federal Public Defender	<input type="checkbox"/>	
Summons Issued	<input type="checkbox"/>	with N/C attached to complt. and served by: U.S. Marshal () Pltff's Attorney ()
Standard Order 93-5	<input type="checkbox"/>	
Order to Show Cause	<input type="checkbox"/>	with Petition attached & mailed certified mail to: US Atty Gen () PA Atty Gen () DA of County () Respondents ()
Bankruptcy Court	<input type="checkbox"/>	
Other _____	<input type="checkbox"/>	

MARY E. D'ANDREA, Clerk

DATE:

4/12/02

BY:


Deputy Clerk